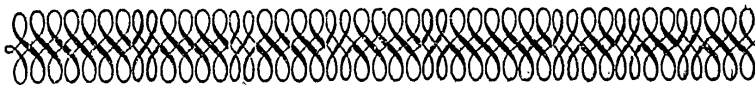


17 February 1836.—6 WILL. IV.

2763



A
B I L L

For Marriages in England.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

- W**H^{EREAS} it is expedient to amend the Law of Marriages in England; **B**E it **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, THAT after the
- 5 *First day of January*, in the year *One thousand eight hundred and Thirty-seven*, no Parson, Vicar, Minister or Curate in England shall be obliged to publish the Banns of Matrimony between any persons whatsoever.
- 10 And be it Enacted, That after the said *First day of January*, notice of every intended Marriage in England shall be given in writing, signed by one of the Parties, in the Form of Schedule (A.) to this Act annexed, to the Registrar of the District within which the Marriage is intended to be solemnized, and every such Notice shall state the proper Name
- 15 and Surname, and the profession or condition of each of the Parties intending Marriage, the dwelling-place of each of them, and the time during which each has dwelt therein; and where either of the Parties, not being a widower or widow, shall be under the age of *Twenty-one* Years, that such Marriage is intended, with the consent of the person or
- 20 persons whose consent to such Marriage is required by law, or that there is no person having authority to give such consent: Provided always, That if either Party hath dwelt in such place during more than *One* calendar Month, it may be stated in the Notice that he or she hath dwelt there during one month and upwards.
- And be it Enacted, That the Registrar shall file all such notices, and from time to time, at such times as shall be directed by the Registrar General, shall deliver them to the Superintendent Registrar of the dis-

Preamble.

1.
Banns need
not be pub-
lished after
1 January
1837.

2.
Notice of
every intended
Marriage to
be given to
the Registrar.

3.
Registrar to
copy Notices
in a Book, and
to give Certi-
ficate.

trict to be kept with the records of his office, and shall also forthwith copy all such notices fairly into a book, to be for that purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," the cost of providing which shall be defrayed as is the cost of providing Register Books of Births, Deaths and Marriages; and the Marriage Notice Book shall be open at all reasonable times without fee to all persons desirous of inspecting the same; and the Registrar shall give under his hand to the party requiring the same, a Certificate of notice, and of the entry of such notice, in the form of Schedule (B.) to this Act annexed, and for every such entry and certificate the Registrar shall be entitled to have a fee of *One Shilling*: Provided always, That no such notice shall be received, or Certificate given, by any Registrar, unless some person, known by the Registrar, and by whom the Parties intending Marriage are known, shall personally appear before the Registrar at the time of the delivery of the notice, and certify thereon, under his hand, that to the best of his or her knowledge and belief, the Parties intending Marriage are therein truly described.

4.
Marriages not to be solemnized within Twenty-one Days of Registrar's Certificate, unless by License within Seven Days.

And be it Enacted, That after the said *First* day of *January*, no Marriage unless by License, shall be solemnized or registered in England until after the expiration of *Twenty-one* Days after the day of the delivery of such certificate of notice; and no Marriage shall be solemnized by License or registered until after the expiration of *Seven* Days after the day of the delivery of such certificate of notice; and every such certificate shall be delivered to the officiating Minister, if the Marriage shall be solemnized according to the rites of the Church of England, and otherwise shall be re-delivered to the Registrar present at the celebration of such Marriage as hereinafter enacted: Provided always, That nothing herein contained shall affect the right of the Archbishop of Canterbury and his successors, and his and their proper officers to grant Special Licenses to marry at any convenient time and place.

5.
Superintendent Registrar may grant Licenses of Marriage on payment of Three Pounds.

And be it Enacted, That after the said *First* day of *January* every Superintendent Registrar shall have authority to grant Licenses for the speedy celebration of Marriage within his district, under the provisions of this Act, in the form of Schedule (C.) to this Act annexed, and for every such License shall be entitled to have of the party requiring the same, the sum of *Three* Pounds above the value of the Stamps necessary on granting such License, which shall be accounted for by him to the Registrar General: Provided always, That no Superintendent Registrar shall grant any such License until he shall have given security by his bond, in the sum of *One hundred* Pounds, to the Registrar General for the due and faithful execution of his office: Provided also, That nothing herein contained shall authorize any Superintendent Registrar to grant any License for the

the celebration of any Marriage according to the rites of the Church of England.

And be it Enacted, That before any such License be granted by the Superintendent Registrar, one of the Parties intending Marriage shall
 5 appear personally before the Superintendent Registrar and certify under his or her hand, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance to the said Marriage, and that one of the said Parties hath for the space of *Fifteen*
 10 Days immediately before such License, had his or her usual place of abode within the Registrar's district within which such Marriage is to be solemnized, and where either of the Parties, not being a widower or widow, shall be under the age of Twenty-one years, that such Marriage is intended with the consent of the person or persons whose consent to such Marriage is required by law, or that there is no person
 15 having authority to give such consent, as the case may be, and all such Licenses and Certificates shall be liable to the same Stamp Duties as Licenses of Marriages granted by the Ordinary of any Diocese, and Affidavits made in order to procure the same.

6.
 Certificate to be given before the License is granted.

And be it Enacted, That the like consent shall be required to any
 20 Marriage under this Act as was required by law to Marriages solemnized by License immediately before the passing of this Act.

7.
 Who are to give consent.

And be it Enacted, That whenever a Marriage shall not be had within *Three Months* after certificate of notice shall have been so delivered by the Registrar, no person shall proceed to solemnize the
 25 same, nor shall any Registrar register the same, until new notice shall have been given, and Certificate thereof in manner aforesaid, and until after the expiration of *Seven Days* after such new Certificate, if due license in that behalf shall have been obtained, or without license until after the expiration of *Twenty-one Days* after such new Certificate.

8.
 New Notice required after Three Months.

And be it Enacted, That any person on payment of *One Shilling*, may enter a Caveat with the Registrar against the Marriage of any person named therein; and if any Caveat be entered with the Registrar, such Caveat being duly signed by or on behalf of the person
 30 who entered the same, with his place of residence, no certificate of notice shall be delivered touching the Marriage of the person named in the Caveat, until after notice of the application shall have been sent through the Post-office to the person by or on behalf of whom the Caveat was entered.

9.
 Caveat may be lodged with the Registrar against the issue of a Certificate.

And be it Enacted, That any person, on payment of *Five Shillings*,
 40 may enter a Caveat with the Superintendent Registrar against the grant of a License for the Marriage of any person named therein, and if any Caveat be entered with the Superintendent Registrar, such
 34. Caveat

10.
 Caveat may be lodged with Superintendent Registrar against grant of License.

Caveat being duly signed by or on behalf of the person who enters the same, together with his place of residence, and the ground of objection on which his Caveat is founded, no License shall be granted by the Superintendent Registrar till the said Caveat be disposed of in like manner as a caveat against granting a License of Marriage by any Ordinary, or until the Caveat be withdrawn by the Party who entered the same. 5

11.
Persons vexatiously entering Caveat, liable to Costs and Damages.

And be it Enacted, That every person who shall enter a Caveat with the Superintendent Registrar, against the grant of any License, on grounds which the Court by which the same shall be tried shall declare to be frivolous, and that they ought not to obstruct the grant of the License, and every person, not being the parent or guardian of either of the Parties intending Marriage, who shall enter a Caveat with the Registrar against any Marriage, shall be liable for the costs of the proceedings in each case, and for damages to be recovered in a special action upon the case, by the Party against whose Marriage such Caveat shall have been entered. 10 15

12.
Places of Worship may be registered for the celebration of Marriages therein.

And be it Enacted, That any proprietor or trustee of a separate building, certified according to law as a place of religious worship, may apply to the Superintendent Registrar of the district, in order that such building may be registered for the celebration of Marriages therein, and in such case shall deliver to the Superintendent Registrar a Certificate, signed in duplicate by *Twenty* Householdors at the least, that such building has been used by them during *One* Year at the least as their principal place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which Certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered, and the Superintendent Registrar shall send both Certificates to the Registrar General, who shall register such building accordingly in a book to be kept for that purpose at the General Register Office, and the Registrar General shall endorse on both Certificates the date of the registry, and shall keep one Certificate with the other records of the General Register Office, and shall return the other Certificate to the Superintendent Registrar, who shall keep the same with the other records of his office; and the Superintendent Registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the Registrar General, and shall give a Certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the Certificates are countersigned, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the London Gazette, and for every such entry, certificate and publication, the Superintendent Registrar shall receive at the time of the delivery to him of the Certificates the sum of *Five* Pounds, which shall be accounted for by him to the Registrar General. 20 25 30 35 40

And

And be it Enacted, That if at any time subsequent to the registry of any building for the celebration of Marriages therein, it shall be made to appear to the satisfaction of the Registrar General that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, and that
 5 the same congregation use instead thereof some other such building for the purpose of public religious worship, the Registrar General may substitute and register such new place of worship instead of the disused building for the celebration of Marriages therein, although
 10 such new place of worship may not have been used for that purpose during *One Year* then next preceding; and every application for such substitution and registry of a substituted building shall be made to the Registrar General through the Superintendent Registrar of the district, and when made, shall be made known by the Registrar
 15 General to the Superintendent Registrar, who shall enter the date of such substitution in the book provided for the registry of such buildings, and shall certify and publish such substitution and registry, in manner hereinbefore provided in the case of the original registry of the disused building; and for every such substitution the Super-
 20 intendent Registrar shall receive, at the time of the delivery of the certificate from the party requiring the substitution, the sum of *Five Pounds*, which shall be accounted for by him to the Registrar General; and after such substitution shall have been made by the Registrar General, it shall not be lawful to solemnize any Marriages in such
 25 disused building, unless the same shall be again registered in the manner hereinbefore provided.

13.
 On removal of the same Congregation, the new Place of Worship may be immediately registered, instead of the one disused.

And be it Enacted, That Marriages may be celebrated in any such registered building between and by any persons, according to such form and ceremony as they may see fit to adopt: Provided nevertheless,
 30 That every such Marriage shall be celebrated with open doors, between the hours of *Nine* in the Forenoon and *Three* in the Afternoon, in the presence of the Registrar of the District, to whom notice of the intended Marriage was given as aforesaid, and of *Two* or more credible witnesses: Provided also, That in some part of such ceremony, and
 35 in the presence of the Registrar and Witnesses, each of the Parties shall say to the other

14.
 Marriages may be celebrated in such registered places, in the presence of the Registrar, and of Two Witnesses.

“ I call upon these persons here present to witness that I, A. B. do take thee, C. D., to be my lawful wedded Wife [or Husband].”

40 and for every Marriage which shall be solemnized under this Act in the presence of any Registrar, he shall be entitled to have from the parties married the sum of _____, and also to be allowed and paid to him, in like manner as his fees for registering births and deaths, the sum of *One Shilling* for registering the same as hereinafter provided.

15.
Marriages may
be celebrated
before the Su-
perintendent
Registrar, but
not by Li-
cense.

And be it Enacted, That any persons who shall object to marry under the provisions of this Act in any such registered building, may contract and celebrate Marriage at the office and in the presence of the Superintendent Registrar of the District, and in the presence of the Registrar and *Two* Witnesses, with open doors, and between the hours 5
aforesaid, using the form of words hereinbefore provided, in the case of Marriage in any such registered building: Provided always, That no such Marriage before the Superintendent Registrar shall be by License, and for every such Marriage the Superintendent Registrar shall be entitled to have a fee of *Ten* Shillings. 10

16.
Registrar to
register all
Marriages
solemnized
before them;
Marriage
Register Books
to be sent to
the Superin-
tendent Regis-
trar, and a
certified Copy
to the Regis-
trar General.

And be it Enacted, That the Registrar shall forthwith register every Marriage celebrated in manner aforesaid in his presence, in a Marriage Register Book to be furnished to him for that purpose by the Registrar General, according to the form provided for the Registration of Mar- 15
riages by an Act made in this present Session of Parliament, intituled, "An Act for registering Births, Deaths and Marriages in England," or as near thereunto as may be; and every entry of such Marriage shall be signed by the Minister or other person by or before whom the Marriage was celebrated, and by the Registrar, and also by the parties married, 20
and attested by such two witnesses; and all such Marriage Register Books, and certified copies thereof, shall be sent to the Superintendent Registrar, and dealt with in all respects as Registers of Births and Deaths under the provisions of the said Act for registering Births, Deaths and Marriages.

17.
Proof of
Notice and
Certificate,
and of resi-
dence of
parties not
necessary to
establish the
Marriage.

And be it Enacted, That after the celebration of any Marriage under 25
this Act, it shall not be necessary, in support of such Marriage, to give any proof of the actual dwelling of the parties, previous to the Marriage, within the district wherein such Marriage was celebrated, for the time required by this Act, nor shall any evidence be given to prove the contrary in any suit touching the validity of such Marriage. 30

18.
Marriages
under this
Act to be cog-
nizable as
Marriages of
the Church of
England.

And be it Enacted, That every Marriage celebrated under this Act shall be cognizable in like manner as Marriages celebrated before the *passing of this Act*, according to the rites of the Church of England.

19.
Penalty on
Persons mar-
ried refusing
to answer
questions.

And be it Enacted, That it shall be lawful for the Registrar before whom any Marriage is celebrated according to the provisions of this 35
Act, to ask of the parties married the several particulars required to be registered touching such Marriage, and every such person who shall refuse, or without reasonable cause neglect to answer according to the best of his or her belief, shall forfeit and pay a sum not exceeding *Fifty* Pounds. 40

20.
Persons mak-
ing false
Oaths, &c.
guilty of Per-
jury.

And be it Enacted, That every person who shall wilfully make any false oath or declaration, or who shall knowingly sign any false Certificate required by this Act, for the purpose of procuring any Marriage, shall be deemed guilty of *perjury*, and punished accordingly.

And

And be it Enacted, That every person who shall knowingly solemnize Matrimony under colour of this Act, otherwise than according to the rites of the Church of England as by law established, in any place other than a building registered as aforesaid, (except the Superintendent Registrar in his office) or in the absence of the Registrar of the district, or at any other time than between the hours of *Nine* in the Forenoon and *Three* in the Afternoon; and every person who shall knowingly solemnize Matrimony, either according to the rites of the Church of England, or under any provision of this Act (except by Special License) within the time herein provided to elapse between the certificate of notice of intended Marriage to be given by the Registrar, and the celebration of such Marriage, shall be guilty of *Felony*, and shall be transported beyond the seas for *Fourteen* Years: Provided that all prosecutions for such felony shall be commenced within *Three* Years after the offence; provided also, that no person who shall solemnize any Marriage according to the provisions of this Act, shall be liable to any of the penalties imposed by an Act passed in the fourth year of his late Majesty King GEORGE the Fourth, intituled, "An Act for amending the laws respecting the solemnization of Marriage in England" on such persons as should solemnize Matrimony otherwise than according to the provisions of the last recited Act.

21.
Persons unduly solemnizing Marriage guilty of Felony.

And be it Enacted, That if any persons under colour of this Act, shall with the knowledge of both Parties intermarry otherwise than according to the rites of the Church of England as by law established, in any place other than a building registered as aforesaid, or the office of the Superintendent Registrar, or without License, in case a License is required under this Act, or in the absence of the Registrar, and if any persons, with the knowledge of both parties, shall intermarry either according to the rites of the Church of England or under any provision of this Act (except by Special License) without due notice to the Registrar, the Marriage of such persons shall be null and void.

22.
Marriages void if unduly solemnized with the knowledge of both parties.

And be it Enacted, That if any valid Marriage shall be had under the provisions of this Act, by means of any wilfully false oath, certificate or declaration, made by either Party to such Marriage, as to any matter to which an oath, certificate or declaration is herein required it shall be lawful for His Majesty's Attorney-General or Solicitor-General to sue for a forfeiture of all estate and interest in any property accruing to the offending Party by such Marriage, and the proceedings thereupon and consequences thereof shall be the same as are provided with regard to Marriages solemnized by License before the passing of this Act, according to the rites of the Church of England.

23.
In cases of fraudulent Marriages, the guilty party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76. s. 23. &c.

And be it Enacted, That this Act shall extend only to England, and shall not extend to the Marriage of any of the Royal Family.

24.
Act to extend only to England, and not to extend to the Royal Family.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the Registrar of the District of *Stepney*,

I hereby give you Notice, that a Marriage is intended to be had, within Three calendar Months from the date hereof, between the Parties herein named and described; (that is to say),

Name.	Condition.	Age.	Dwelling Place.	Length of Residence.
<i>James Smith -</i>	<i>Carpenter -</i>	<i>Of full Age.</i>	<i>16 High-street</i>	<i>23 Days.</i>
<i>Martha Green</i>	<i>Spinster - -</i>	<i>Minor.</i>	<i>Grove Farm -</i>	<i>More than a Month.</i>

With consent of the () of the said () of the
Parents of the said *Martha Green*.

Witness my hand this *6th* day of *May 1837*.

(signed) *James Smith.*

I, *Thomas Brown*, of *Park-street*, do hereby certify, that the above-named Parties are known by me, and that to the best of my knowledge and belief, they are herein truly described.

(signed) *Thomas Brown.*

SCHEDULE (B.)

CERTIFICATE OF NOTICE.

No. 14.

I, *John Cox*, Registrar of the District of *Stepney*, do hereby certify that I have duly entered in the Marriage Notice Book of the said District, the Notice delivered to me of the Marriage intended between the Parties herein named and described; (that is to say),

Name.	Condition.	Age.	Dwelling Place.	Length of Residence.
<i>James Smith -</i>	<i>Carpenter -</i>	<i>Of full Age.</i>	<i>16 High-street -</i>	<i>23 Days.</i>
<i>Martha Green-</i>	<i>Spinster - -</i>	<i>Minor.</i>	<i>Grove Farm -</i>	<i>More than a Month.</i>

With consent of the () of the said () of the
Parents of the said *Martha Green*.

Certified as a true description by *Thomas Brown*, of *Park-street*, who is known by me.

Witness my hand this *6th* day of *May 1837*.

(signed) *John Cox,*

The italics in the Schedules (A.) and (B.) to be filled up as the case may be.]

SCHEDULE (C.)

LICENSE OF MARRIAGE.

A. B., Superintendent Registrar of
to C. D. of and E. F. of

Sendeth Greeting :

WHEREAS ye are minded, as it is said, to enter into a contract of Marriage, under the provisions of an Act made in the *Sixth* year of the reign of His Majesty King WILLIAM the Fourth, intituled, [here insert the title of this Act] and are desirous that the same may be speedily and publicly celebrated.

I do hereby grant unto you full License, according to the authority in that behalf given to me by the said Act, to proceed to celebrate such Marriage, and to the Registrar of the District of to register such Marriage according to law : Provided that no impediment of kindred or alliance shall appear, nor any other lawful hindrance to the said Marriage : Provided also, that the said Marriage be publicly solemnized in the presence of the said Registrar, within *Three* calendar Months from the date hereof in the [here describe the building in which the Marriage is to be celebrated, according to the registry thereof], between the hours of *Nine* in the Forenoon and *Three* in the Afternoon.

Given under my hand this day of
One thousand eight hundred and

(signed) A. B.
Superintendent Registrar.

Marriages.

A

B I L L

For Marriages in England.

*(Prepared and brought in by
Lord John Russell, Mr. Chancellor of the
Exchequer, and Mr. Attorney General.*

Ordered, by The House of Commons, to be Printed,
17 February 1836.